

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,)
vs.)
LARRY WILLIAMS,)
Defendant.)
)
) 1:07-CR-106-WTL-KPF-3

Order Denying Motion for Sentence Modification

In April 2009, Williams filed the present § 3582(c)(2) motion based on Amendments 706 and 711 to the Sentencing Guidelines.

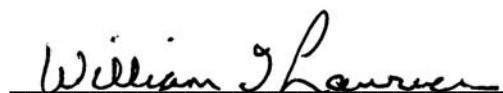
Section 3582(c)(2) gives district courts the authority to consider reducing the sentence “of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2). In considering whether a defendant is eligible for a sentence reduction, the court considers only the effect of the applicable guideline amendment, and leaves all other factual findings and guideline application decisions made during the original sentencing unchanged. *United States v. Bravo*, 203 F.3d 778, 780 (11th Cir. 2000).

Amendment 706 reduced the base offense level for amounts of cocaine of at least 1.5 kilograms but less than 4.5 kilograms from 38 to 36. Nevertheless, amounts of 4.5 kilograms or more of crack cocaine are still subject to a base offense level of 38. U.S.S.G. § 2D1.1(c)(1). Thus, a defendant responsible for 4.5 kilograms or more of crack cocaine is not eligible for a sentence reduction under Amendment 706. *United States v. Hall*, 600 F.3d 872 (7th Cir. 2010).

Williams was indicted for and convicted of conspiracy to possess with intent to distribute five kilograms or more of cocaine. He is thus ineligible for the reduction authorized in certain circumstances by Amendment 706 and his motion for modification of sentence (dkt 296) is **denied**.

IT IS SO ORDERED.

Date: 05/14/2010


Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

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